

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD)No.2259 of 2018

and

CMP.No.14158 of 2018

S. Sambandam

...Petitioner

Vs.

1. C. Suseela
2. C. Damodaran
3. C. Sampathkumar
4. P. Chandrasekar

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final orders dated 27.04.2018 made in I.A.No.245 of 2018 in O.S.No.941 of 2015 on the file of the Court of the Principal District Munsif, Alandur and allow the said application with costs.

For Petitioner : Mr. S. Thangavel
For Respondents : Mr. Silambanan
for M/s. Almelu Mangai
for R1 to R4

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ORDER

The above Civil Revision Petition is filed challenging the dismissal of the amendment application filed by the revision petitioner in I.A.No. 245 of 2018 in O.S.No.941 of 2015.

2. This application is the second application which has been filed immediately after the earlier application for amendment in I.A.No.947 of 2017 was allowed and amendment was carried out in the plaint in O.S.No.941 of 2015 and in the affidavit filed in support of the present application seeking leave to amend, the plaintiff has not made out any case for allowing the amendment application as contemplated under the provisions of Order VI Rule 17 of the Civil Procedure Code.

3. The reading of the amendment application appears to show that the revision petitioner is seeking to elaborate the recitals contained in the documents. There is no necessity for the recitals to be elaborated and the same can be established by marking the relevant documents

4. That apart, the fact that the revision petitioner has taken the earlier amended application, where elaborate amendments have been made, the second amendment immediately following the earlier amendment cannot be moved particularly when no reasons have been given in the said amendment.

5. The suit is also ready for trial and has been pending for the last four years. The learned District Munsif, Alandur has rightly

dismissed the said application stating that the entire set of pleadings sought to be introduced in the place of earlier amendment and the issue regarding the identity of the property had been raised by the respondent/defendant as early as on 04.01.2015.

6. In the written statement, the revision petitioner/plaintiff cannot at this belated stage, now, try to introduce the pleadings with reference to the identity of the property. Admittedly the parties are relying on documents to prove their possession. It is open to the parties to produce the relevant documents to prove their possession and enjoyment of the property. There is no necessity to amend the pleadings. I do not find any infirmity in the order passed by the Court below. The Civil Revision Petition stands dismissed.

26.04.2019

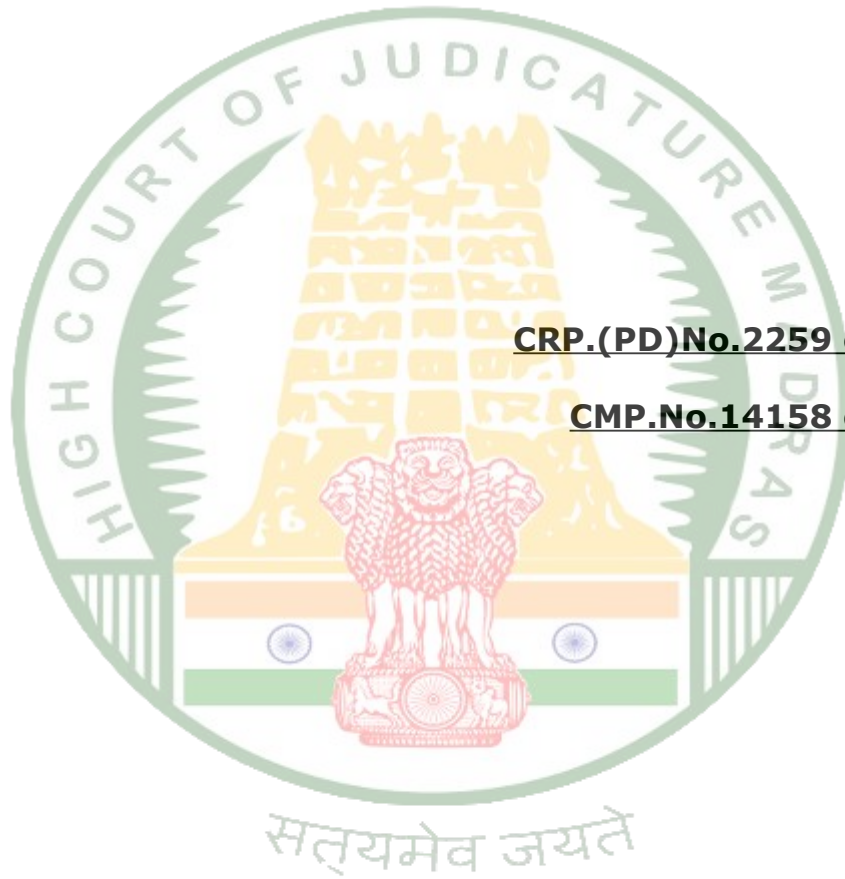
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To,
The Principal District Munsif,
Alandur.

P.T.ASHA, J.,

mrn



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